

REMARKS

Status of the Application

Claims 1-28 are the claims which have been examined in the application. Claims 1, 2, 19 and 22 remain rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Takasugi et al. (U.S. Patent No. 5,358,021). Claims 1-3, 5, 8-12, 15-24, 26, and 27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi. Claims 4, 6, and 7 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of JP 08-118918, hereinafter referred to as JP '918, and JP 62-059107, hereinafter referred to as JP '107. Claims 13, 14, and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of DE 3738159, hereinafter referred to as German '159. Finally, claim 25 remains rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of Landers et al. (U.S. Patent No. 5,176,766).

By this Amendment, Applicants hereby amend claim 1 and add new claim 29.

Claim Rejections -- 35 U.S.C. § 102(b)

Claims 1, 2, 19 and 22 remain rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Takasugi et al. (U.S. Patent No. 5,358,021).

Claims 1, 2, 19 and 22 stand rejected under 35 U.S.C. § 102(b) based on the reasons set forth in the previous Office Action, and also based on the supplemental arguments presented on pages 2-3 of the present Office Action.

Claim 1, as amended, recites, “A pneumatic tire which designates directions to an inner and an outer side of a vehicle when the tire is mounted on the vehicle ...” The Examiner alleges that Takasugi discloses each of the elements of claim 1. Applicants respectfully disagree.

As amended, claim 1 requires a pneumatic tire in which designates a side of the tire to be mounted toward the vehicle, and a side of the tire to be mounted away from the vehicle. Contrary to the Examiner’s allegation that the tire can be mounted such that the outer side becomes the inner side (see page 2 of the instant Office Action), Applicants submit that the directional tire can only be mounted onto the vehicle in one way. Thus, since Takasugi discloses that grooves in the rib 3 are on the outer side of the tire instead of the inner side of the tire, amended claim 1 cannot be anticipated by Takasugi. Therefore, claim 1 is patentable over the applied art.

Claims 2, 19 and 22 are patentable at least by virtue of their dependency from claim 1.

Further, with respect to dependent claim 22, Applicants previously argued that the Examiner does not even address the features of this claim, and further argued that Takasugi does not teach or suggest every feature of this claim. In response, the Examiner alleges:

Applicant argues that Takasugi does not satisfy every feature of claim 22. Examiner disagrees since the description of the rigidity in the widthwise direction being “within a range of 50% from a large value between mutually adjacent land part rows” is sufficiently broad to read on the similar width land rows of Takasugi et al.

In response, Applicants maintain the previous argument as the Examiner summarily alleges, without further support, that the feature of claim 22 is “sufficiently broad to read on the

similar width land rows of Takasugi.” The Examiner fails to demonstrate how Takasugi allegedly discloses or suggests, “wherein an integral value of the rigidity in the widthwise direction of the tread over a full ground contact length in each of the land part rows defined by the circumferential main grooves is within a range of 50% from a large value between mutually adjacent land part rows,” as recited in claim 22. Therefore, claim 22 is patentable for reasons independent of its dependency.

Claim Rejections – 35 U.S.C. §103(a) and 27

Claims 1-3, 5, 8-12, 15-24, 26, and 27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi.

Claims 1-3, 5, 8-12, 15-24, 26 and 27 are rejected under 35 U.S.C. § 103(a) based on the reasons set forth on pages 3-4 of the present Office Action.

As noted above, Takasugi fails to disclose a directional tire as recited in amended claim 1. Thus, Takasugi also fails to render amended claim 1 obvious. Therefore, claims 1-3, 5, 8-12, 15-24, 26 and 27 are patentable over the applied art.

Further, with respect to dependent claims 3, 5 and 8, Applicants previously argued that the Examiner simply states that the features of these claims would have been obvious to one of ordinary skill in the art. Applicants further argued that the Examiner has not established a prima facie case that the features in these claims are obvious. *See pages 10-11 of Amendment dated April 9, 2008.*

In response, the Examiner argues:

As to claims 3, 5 and 8, applicant argues that the examiner has simply stated that the features of these claims would have been obvious to one of ordinary skill in the art. Applicant is incorrect. Examiner took official notice of the use of a fine circumferential groove in a shoulder of a tire to prevent wear. Applicant ignored this evidence and consequently overlooked the motivation (prevention of wear) relied upon to show the desirability of using such a well known feature in the tire tread of Takasugi.

Applicant argues that examiner has not provided any evidence to support the obviousness conclusion as to claims 8-12, 16-18, and 20-21. Applicant is incorrect. Applicant ignores the official notice, which is the evidence relied upon

Applicants submit that the Examiner fails mention the taking of official notice in the previous Office Action. Further, even in the present Office Action, in the heading of the rejection, only Takasugi is mentioned as the basis of the rejection and there is no mention of the rejection being based on Takasugi in view of "Official Notice."

Thus, if the Examiner continues to rely on Official Notice in addition to Takasugi to support the rejections of claims 3, 5, 8, Applicants respectfully request that the Examiner issue a new Office Action officially indicating Official Notice as the basis for the rejection in addition to Takasugi.

Further, Applicants respectfully submit that that the Examiner has made extremely liberal use of the concept of Official Notice. As the Examiner is no doubt aware, it is impermissible to rely upon official notice at a point of novelty in the claimed invention. Thus, claims 3, 5 and 8 are patentable for reasons independent of their dependency.

Applicants hereby submit analogous arguments with respect to claims 8-12, 16-18, 19, 20, and 21.

With respect to claim 20, the Examiner alleged in the previous Office Action that “changing lateral groove depth to affect water drainage ... is taken as well known/conventional per se” (see page 4 of the previous Office Action. However, in an exemplary embodiment of claim 20, as described on page 21, lines 20-17 of the instant specification, Applicants respectfully note that changing the groove depth not only improves drainage, but ensures block rigidity. This combination of simultaneously establishing resistance to hydroplaning and providing steering stability by changing the groove depths is not disclosed by the applied art. Thus, claim 20 is patentable over the applied art for reasons independent of its dependency.

With respect to claim 26, in the Office Action, the Examiner simply repeats the feature of this claim and alleges that claim 26 fails to specify the amount of the crossing. In response, Applicants respectfully point out that the Examiner still does not demonstrate where Takasugi allegedly discloses or suggests the specific feature of, “sipes extending in a direction crossing the rib are arranged in the rib of the central region land part row,” as recited in claim 26. Thus, claim 26 is patentable for reasons independent of its dependency.

With respect to claim 27, similar to above, the Examiner yet again just makes a general statement about the alleged teaching of claim 27. However, the Examiner does not specifically show where the specific feature, “wherein the slant face is formed in an acute corner portion located at the side of the equatorial line of the tire,” is allegedly disclosed or suggested in Takasugi. Further, as indicated above, Applicants again note that the Examiner cannot rely on the concept of Official Notice at a point of novelty. Thus, claim 27 is patentable for reasons independent of its dependency.

Claims 4, 6, and 7 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of JP 08-118918, hereinafter referred to as JP '918, and JP 62-059107, hereinafter referred to as JP '107.

Claims 4, 6 and 7 depend from amended claim 1. Because Takasugi fails to disclose each of the elements of amended claim 1, and because JP '918 and JP '107 fail to cure the deficiencies of Takasugi with respect to amended claim 1, claims 4, 6 and 7 are patentable at least by virtue of their dependency.

Further, Applicants previously argued that even if, *arguendo*, JP '918 and JP '107 suggests forming holes in the shoulders of a tire tread to reduce wear, nowhere do any of the applied references, either alone or in combination, disclose or suggest at least the specific features, “wherein the shoulder land part row of the axially inner side is divided into two parts by a fine groove extending in a circumferential direction, and one divided portion located at a side of a tread end is a narrow-width rib and a plurality of small holes separated from the groove are formed in the other wide-width divided portion, which may be provided with lateral grooves,” “wherein a total volume of plural small holes formed in the wide-width divided part at the shoulder land part row of the axially inner side in the circumferential direction of the tread is made larger at a side of the fine groove than at a side of the equatorial line of the tire,” and “wherein the wide-width divided portion having small holes a tread structure contacting with ground in at least a part of small hole forming region at a posture of applying a camber angle of -0.5° under an action of a load corresponding to 40% of a maximum load capacity,” as recited in claims 4, 6 and 7, respectively.

In response, the Examiner alleges:

As to claims 4, 6, and 7, Applicant argues that Japan '918 and Japan '107 do not disclose the fine groove extending in the circumferential groove. As already mentioned, the use of a fine circumferential groove in a shoulder of a tire to prevent wear is well known/conventional. Applicant fails to challenge this official notice.

In response, it appears that the Examiner is yet again taking Official Notice to allege that each and every feature of claims 4, 6, and 7 are obvious. Applicants hereby maintain the arguments mentioned above and add that the Examiner is obviously utilizing impermissible hindsight reasoning as the Examiner has not indicated what components of the applied references allegedly satisfy the specific claimed features of claims 4, 6, and 7.

Claims 13, 14, and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of DE 3738159, hereinafter referred to as German '159.

Claims 13, 14 and 28 depend from amended claim 1. Because Takasugi fails to disclose each of the elements of amended claim 1, and because German '159 fails to cure the deficiencies of Takasugi with respect to amended claim 1, claims 13, 14 and 28 are patentable at least by virtue of their dependency.

Further, with respect to the rejections of claims 13 and 14, the Examiner substantially repeats the arguments set forth in the previous Office Action and still does not address the specific features of claims 13 and 14. Further, Applicants submit that even if, *arguendo*, German '159 teaches using the ellipsoidal sipes to provide uniform wear and good grip (as the Examiner

alleges), this general statement still does not disclose or suggest the specific features of claims 13 and 14.

With respect to claim 28, which was added in the previous Amendment, the Examiner simply points to Fig. 3 of German '159. However, Applicants submit that Fig. 3 of the cited reference, fails to disclose extending directions of the major axes of the recesses that are alternately opposed in the circumferential direction of the tread. The recesses that are referred to in claim 28 are recesses of a rib of a central region. The recesses in Fig. 3 of German '159 are not located in a central region of the tire.

Claim 25 remains rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takasugi and further in view of Landers et al. (U.S. Patent No. 5,176,766).

Claim 25 depends from amended claim 1. Because Takasugi fails to disclose each of the elements of amended claim 1, and because Landers fails to cure the deficiencies of Takasugi with respect to amended claim 1, claim 25 is patentable at least by virtue of its dependency.

New Claim

Applicants hereby add new independent claim 29. Claim 29 recites elements similar to claim 1 and is patentable for reasons analogous thereto.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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